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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)

WALKER RIVER PAIUTE TRIBE,)
)
Plaintiff-Intervenor,)
vs.)

WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
)
Defendants.)

MINERAL COUNTY,)
)
Proposed-Plaintiff-Intervenor,)
vs.)

WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
)
Proposed Defendants.)

IN EQUITY NO. C-125-RCJ-WGC
Subproceeding: C-125-C

3:73-CV-00128-RCJ-WGC

**MINERAL COUNTY FINAL
REPORT CONCERNING
COMPLETION OF RULE 4
SERVICE ON FINAL LIST OF
PROPOSED DEFENDANTS**

**Mineral County Final Report Concerning Completion of Rule 4 Service on Final List of
Proposed Defendants**

Mineral County hereby submits the following information related to completion of service efforts on the final list of Proposed Defendants to be served via Fed. R. Civ. P. Rule 4 service, which the Court approved in its February 8, 2013, *Order Concerning Status of Remaining Proposed Defendants to be Served Via Rule 4 Service*. Doc. No. 665.¹ This Report sets forth the status of service on each of these four Proposed Defendants and requests a finding that Rule 4 service is complete as to those Proposed Defendants as well as Proposed Defendants Sandoval Family Trust and Brett Emery, as explained in more detail below. This Report also requests a general finding that Rule 4 service is complete in this subproceeding.

The Report is supported by Exhibits A-1 through A-6 which correspond to each Proposed Defendant's numerical listing in the chart below. Pursuant to the Court's Order of February 8, 2013, Mineral County also has attached an updated caption reflecting the dismissals, substitutions, and the caption change ordered in the Court's February 8, 2013 Order, attached hereto as Exhibit B.

Final List of Proposed Defendants For Whom Rule 4 Service Has Not Yet Been Approved

Status of Service

1. State of California	<ul style="list-style-type: none"> • <u>Status of Service</u>: The State of California returned a signed waiver of personal service form. <i>See</i> Exhibit A-1. • <u>Counsel</u>: Michael Neville. • <u>Address for Service</u>: 455 Golden Gate Avenue, #11000 San Francisco, CA 94102-7004 • <u>Requested Action</u>: Mineral County requests a finding that service is complete as to the State of California.
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¹Unless otherwise noted, all document references are to C-125-C (3:73-3-00128-RCJ-WGC) docket numbers.

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p>	<p>2. Norman W. and Kellie J. Annett Family Trust, Norman W. Annett and Kellie J. Annett, Co-Trustees</p> <ul style="list-style-type: none"> • <u>Status of Service</u>: The Trust returned a signed waiver of personal service form. <i>See</i> Exhibit A-2. • <u>Counsel</u>: Paul J. Anderson. • <u>Address for Service</u>: Paul J. Anderson Maupin, Cox & LeGoy 4785 Caughlin Parkway Reno, Nevada 89519 • <u>Requested Action</u>: Mineral County requests a finding that service is complete as to the Norman W. and Kellie J. Annett Family Trust, Norman W. Annett and Kellie J. Annett, Co-Trustees.
<p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p>	<p>3. Sancho Rancho, LLC</p> <ul style="list-style-type: none"> • <u>Status of Service</u>: Mineral County personally served Jon Sanchez on behalf of Sancho Rancho, LLC on March 8, 1013. <i>See</i> Proof of Service, Doc. No. 671. • <u>Counsel</u>: None indicated. • <u>Address for Service</u>: c/o Jon Sanchez, 5390 Kietzke Lane, Suite 200, Reno, NV 89511. • <u>Requested Action</u>: Mineral County requests a finding that service is complete as to Sancho Rancho, LLC.
<p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p>	<p>4. David E. and Karen Hardy Family Trust, Karen Lund Hardy, Trustee</p> <ul style="list-style-type: none"> • <u>Status of Service</u>: Ms. Hardy returned a signed waiver of personal service form. <i>See</i> Exhibit A-4. • <u>Counsel</u>: None indicated. • <u>Address for Service</u>: P.O. Box 21351, Carson City, NV 89721. • <u>Requested Action</u>: Mineral County requests a finding that service is complete as to David E. and Karen Hardy Family Trust, Karen Lund Hardy, Trustee.

5. Sandoval Family Trust U/D/T March 12, 2001, Cecelia Lillian Sandoval, Trustee

- Status of Service: In Mineral County's January 9, 2013 *Report Concerning Status of Rule 4 Service On Final List of Proposed Defendants*, Doc. No. 654, Mineral County requested a finding that service is complete as to the Sandoval Family Trust, which returned a signed waiver of personal service form. *See* Exhibit A-5. However, Mineral County did not include the Sandoval Family Trust on the list of Proposed Defendants for whom service is complete, which was attached to that Report as Exhibit B. The Court's *Order Concerning Status of Remaining Proposed Defendants to be Served Via Rule 4 Service*, Doc. No. 665, approved the relief requested in Mineral County's service report, but Attachment A to that order, the *List of Proposed Defendants for Whom Service Is Complete*, did not include the Sandoval Family Trust.
- Counsel: None indicated.
- Address for Service: P.O. Box 224, Smith, NV 89430.
- Requested Action: Mineral County requests confirmation that Rule 4 service is complete as to the Sandoval Family Trust U/D/T/ March 12, 2001, Cecelia Lillian Sandoval, Trustee.

6. Brett Emery

- Status of Service: In Exhibit E of Mineral County's August 29, 2008, *Report Concerning Status of Service on Proposed Defendants*, Doc. No. 479, and in Exhibit 1 of Mineral County's January 23, 2009, *Reply to Walker River Irrigation District's Response To Mineral County's Service Report*, Doc. No. 496, Mineral County informed the Court that Brett Emery had not yet been served and that Mineral County would serve him via Rule 4 service. However, he was inadvertently left off of the list of Proposed Defendants who remain to be served. In mid-February of 2013, Mineral County sent a waiver package to Mr. Emery, who returned a signed waiver of personal service form. *See* Exhibit A-6.
- Counsel: None indicated.
- Address for Service: P.O. Box 758, Bridgeport, CA 93517.
- Requested Action: Mineral County requests a finding that Rule 4 service is complete as to Brett Emery.

Rule 5 Service of this Filing:

Mineral County has served this filing consistent with previous direction of the Court regarding Rule 5 service of procedural and service related filings. *See* Doc. No. 591.

Accordingly, the primary parties will be served either via electronic service or in hard copy if

Mineral County Final Report Concerning Completion of Rule 4 Service on Final List of Proposed Defendants

1 they are not registered for electronic service. Mineral County has served this filing on those
2 Proposed Defendants who are addressed in this service report in the same manner as previous
3 service reports filed by Mineral County in subproceeding C-125-C and by the United States in
4 subproceeding C-125-B. Persons or entities addressed in this filing who are not registered for e-
5 service will receive a hard copy of the Report and the exhibits that concern their service status.
6 In addition, the County will provide any of them with copies of any additional exhibits they
7 request.
8

9 **CONCLUSION**

10 In accord with the information provided in this Report above, Mineral County
11 respectfully requests that the Court take the following actions:

- 12 (1) find that Rule 4 service is complete as to certain Proposed Defendants as requested
13 above;
14
15 (2) find that Rule 4 service is complete in subproceeding C-125-C; and
16
17 (3) order supplemental briefing on Mineral County's Motion for Intervention in accordance
18 with the Proposed Order submitted by Mineral County on February 7, 2013. Doc. No.
19 664.

20 ///

21 ///

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A Proposed Order Concerning Completion of Rule 4 Service on Final List of Proposed Defendants is submitted herewith.

Respectfully submitted this 11th day of March, 2013,

/s/ Simeon M. Herskovits
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El Prado, New Mexico 87529
Phone: (575) 758-7202
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/s/ Sean A. Rowe
Sean A. Rowe, Nevada Bar No. 10977
Mineral County District Attorney
P.O. Box 1210
Hawthorne, Nevada 89415
Phone: (775) 945-3636
Fax: (775) 945-0740
Email: srowe@mineralcountynv.org

Attorneys for Mineral County

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 2013, I electronically filed the foregoing **MINERAL COUNTY FINAL REPORT CONCERNING COMPLETION OF RULE 4 SERVICE ON FINAL LIST OF PROPOSED DEFENDANTS** and **[PROPOSED] ORDER CONCERNING COMPLETION OF RULE 4 SERVICE ON FINAL LIST OF PROPOSED DEFENDANTS** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case; and I further certify that on this 11th day of March, 2013, I caused a hard copy of the foregoing to be served on the following non CM/ECF primary Defendant participants by U.S. Mail, postage prepaid:

Athena Brown, Superintendent
Western Nevada Agency
Bureau of Indian Affairs
311 E. Washington Street
Carson City, NV 89701-4065

Arthur B. Walsh
Los Angeles City Attorney's Office
P.O. Box 51-111
111 North Hope Street, Suite 340
Los Angeles, CA 90054

Dist. Attorney for Lyon County
31 South Main Street
Yerington, NV 89447

State Engineer - Division of Water
Resources
State of Nevada
901 S. Stewart St., Suite 202
Carson City, NV 89701

Leo Drozdoff
Dept. of Conservation & Natural Res.
State of Nevada
901 S. Stewart St.
Suite 1003
Carson City, NV 89701

I further certify that I served a copy of the foregoing **MINERAL COUNTY FINAL REPORT CONCERNING COMPLETION OF RULE 4 SERVICE ON FINAL LIST OF PROPOSED DEFENDANTS**, including Exhibit B, and including a hard copy of the portion of

Exhibit A that relates to their service issues, and **[PROPOSED] ORDER CONCERNING
COMPLETION OF RULE 4 SERVICE ON FINAL LIST OF PROPOSED
DEFENDANTS** on the following non-CM/ECF participants addressed in this Report, by U.S
Mail, postage prepaid, this 11th day of March, 2013:

Karen Lund Hardy, Trustee
David E. and Karen Hardy Family Trust
P.O. Box 21351
Carson City, NV 89721

Sandoval Family Trust
Cecelia Lillian Sandoval, Trustee
P.O. Box 224
Smith, NV 89430

Sancho Rancho, LLC
c/o Jon Sanchez
5390 Kietzke Lane, Suite 200
Reno, NV 89511

Brett Emery
P.O. Box 758
Bridgeport, CA 93517

/s/ Iris Thornton
Iris Thornton